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Fearing Public Trials, U.S. Officials to Block Prosecution of Spies, Bell W

By JIM MANN, Times Staff Writer

WASHINGTON—American intelligence and defense officials have repeatedly sought to block efforts by the Justice Department to prosecute spies in this country, according to former Atty. Gen. Griffin B. Bell.

In the draft of a book to be published later this year, Bell, who headed the Justice Department under President Jimmy Carter from 1977 to 1979, wrote that U.S. intelligence agencies "look on espionage prosecutions as potential mine fields for them, even though they are directed against the other side."

Bell wrote that U.S. intelligence agencies resisted espionage prosecutions because they feared public trials might require disclosure of national security information, and also because in some cases they feared retaliation against U.S. personnel overseas.

'Falsehoods' Cited in Case

In one case—the eventually successful prosecution of former low-level Central Intelligence Agency aide William P. Kampiles for selling a satellite manual to a Soviet official—Bell said Pentagon lawyers asked the Justice Department to tell of what he called "falsehoods" in court to avoid disclosing information about U.S. reconnaissance operations.

"The Pentagon approach showed no respect for the integrity of our criminal justice system," the former attorney general said.

In another matter, Bell wrote, then-CIA Director Stansfield Turner went to Chief Justice Warren E. Burger to ask that the CIA be allowed to approve and to give polygraph tests to the federal judges who would sit on a new Foreign Intelligence Surveillance Court. Bell said the chief justice denied this request, which he, as attorney general, had opposed.

When asked to comment on Bell's assertions, a CIA spokesman issued a statement that said, "The decision to prosecute rests with the attorney general, and the CIA is not part of that process." The agency declined further comment, and the Pentagon had no immediate response.

Bell's manuscript, which was written with Times reporter Ronald J. Ostrow, was cleared with the CIA and other intelligence agencies. They requested some deletions or changes in the two chapters on intelligence to protect the disclosure of what they regarded as sensitive national security information.

The CIA spokesman said its prior review of portions of Bell's book "in no way implies that these portions are accurate or are endorsed by the agency."

The book also contains a few less-than-flattering remarks about other members of the Carter Administration, including the President and vice-president.

Bell wrote that he had not been entirely joking when he told others that Carter was "about as good a President as an engineer can be." And Bell said Carter made "a crucial mistake" by letting Vice President Walter F. Mondale have an office in the White House, which Mondale used, he said, as a "power center" to promote views more liberal than Carter's.

'Sources and Methods'

In explaining why U.S. intelligence officials opposed prosecutions of some foreign spies, Bell said, "Intelligence officials—ever mindful of the need to protect at virtually all costs their 'sources and methods'—a phrase they use repeatedly and in near-reverent tones—warily regard an attorney general who declares he intends to prosecute spies."

Bell described four major espionage cases in which the Justice Department faced resistance from the CIA or other outside agencies.

—In 1977, Bell said, the CIA tried to persuade its informant, a Vietnamese woman named Dung Krall, not to testify for the prosecution at the trial of David Truong and International Communications Agency aide Ronald L. Humphrey, both later convicted on espionage charges.

"CIA resistance came from the top," Bell wrote. At one point, he said, a CIA case officer went to London to try to persuade Krall not to take the witness stand. "I told Adm. Turner that his officer was to have no more contact with Mrs. Krall."

—In 1978, the State and the CIA "vigorous prosecution" of two Soviets in the United States, Chernyayev and Vladil. Both were convicted and sentenced to 50 years but were later allowed United States.

"The State Department that the prosecution would detente, and the CIA and the Soviets would retain Americans in the U.S.S.R.," Bell wrote. "The President (said) that based on the quality of information he had been receiving, he was surprised we had anyone working inside the Soviet Union."

—Also in 1978, Bell said, the Defense Department exerted "extreme pressure" to prevent prosecutors from discussing U.S. satellite reconnaissance at former CIA aide Kampiles' trial. Bell said the Justice Department was asked to present in court "theories" that the KH-11 satellite system had never been put into operation.

"One problem with any of the falsehoods was that Kampiles knew the Soviets had the manual in their hands, and that the KH-11 was an operational system," Bell said.

—In 1980, Bell said, "interagency tensions" between the Justice Department and the CIA surfaced again during the prosecution of former CIA official David H. Barnett for giving information to Soviet KGB agents.

Bell's book also provided further details of the effort by some officials in the Carter Administration and media figures to persuade the Justice Department not to prosecute former CIA Director Richard Helms.

According to Bell, Energy Secretary James Schlesinger, national security adviser Zbigniew Brzezinski, CBS commentator Eric Sevareid and Ambassador W. Averill Harriman urged that Helms not be prosecuted. Helms later pleaded no-contest to a charge of failing to testify accurately in Congress.